



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

11/025,830

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
--------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

3

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Where a restriction requirement is made by the examiner, the original patent claims will be held to be constructively elected (except for the limited situation where a disclaimer is filed). Therefore, the election of group III in your communication of 1/12/06 is not effected. See MPEP 1450.

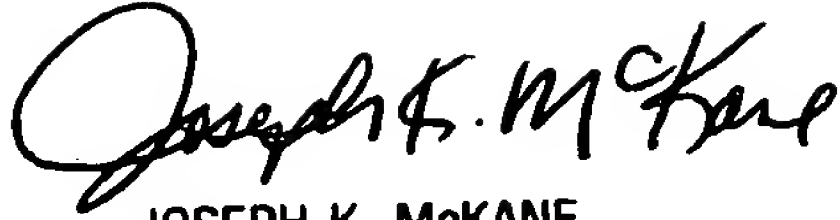
Claims 2-11 were patented and no changes have been made to them in the reissue application. Previously patented claims are not subject to allowability. Due to the presence of subject matters in claims 1 and 12, which were not originally patented and are different and distinct from the patented subject matter of claims 2-11 and from each other, *ex parte* prosecution of the instant application is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter.


37 CFR 1.176(b) permits the examiner to require restriction in a reissue application between the original claims of the patent and any newly added claims [or subject matter] are directed to a separate and distinct invention(s). See also MPEP § 1450. As a result of such a restriction requirement, divisional application(s) may be filed for each of the inventions identified in the restriction requirement. Upon examination of the divisional application(s) and finding of allowability of the subject matter therein, applicant may request abandonment of some of the applications and a rejoinder of the allowable claims in the divisional reissue applications and claims 2-11 of the instant application. MPEP 1450, 1451.

There is no requirement that a family of divisional reissue applications issue at the same time; however, it is required that they contain a cross reference to each other in the specification. 37 CFR 1.177(a) requires that all multiple reissue applications resulting from a single patent must include as the first sentence of their respective specifications a cross reference to the other reissue application(s). Accordingly, the first sentence of each reissue specification must provide notice stating that more than one reissue application has been filed, and it must identify each of the reissue applications and their relationship within the family of reissue applications, and to the original patent. An example of the suggested language to be inserted is as follows:

Notice: More than one reissue application has been filed for the reissue of Patent No. 9,999,999. The reissue applications are application numbers 09/999,994 (the present application), 09/999,995, and 09/999,998, all of which are divisional reissues of Patent No. 9,999,999. MPEP 1451.

The examiner [w]ould object to the specification and require an appropriate amendment if applicant fails to include such a cross reference to the other reissue applications in the first sentence of the specification of each of the reissue applications. MPEP 1451.

  
JOSEPH K. MCKANE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

  
Taofiq A. Solola  
Primary Examiner  
Art Unit: 1626